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Native Sun News: Tribes prepare for more uranium hearings

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Chaz Jewitt (left), a native of Cheyenne River Indian Reservation, joined other Dakota Rural Action members on the picket line at the opening of hearings on uranium mining permits. PHOTO BY/Talli Nauman

Black Hills uranium mining 'not an Indian issue'

'We all drink the same water'

By Talli Nauman

Native Sun News

Health & Environment Editor

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RAPID CITY - After a week of grueling state hearings on a contested large-scale uranium mine permit in which all Native Americans opposed the project, parties prepared for another week of testimony – this time on water permits for the proposed in-situ recovery (ISR) operation upstream from the Cheyenne River and Oglala Sioux Indian reservations.

"Let's develop economic sources that will not ruin our water," Lakota-Dakota pediatrician Sara Jumping Eagle told the Department of Environment and Natural Resources (DENR) Board of Mining and Environment. "We have to keep it safe for our children and not ruin it with uranium mining," she said during a day of public comment Sept. 23.

DENR's Water Management Board will take registered interveners' testimony on two water rights applications and a water discharge permit at the Ramkota Conference Center in Rapid City, beginning at 8:30 a.m. on Oct. 7 and continuing through Oct. 11.

At press time, the Water Management Board had disallowed public comment for the upcoming contested hearing, but the local ad-hoc Clean Water Alliance called for pressure to change that situation.

"Please call Gov. [Dennis] Daugaard this week and ask for time for public input at the Water Management Board hearings," Clean Water Alliance Executive Director Liliias Jarding pleaded in a Sept. 29 letter. "The public has a right to give its input on these huge water uses and on the plan to spray waste water on over 1,000 acres of land," she argued.

A protest rally was also planned for the first day of the Water Management Board hearings.

Powertech, (USA) Inc., a wholly-owned subsidiary of the Canadian penny-stock holding company Powertech Uranium Corp., has been seeking state and federal permits since 2009 for what could become South Dakota's first-ever ISR, or in-situ leach (ISL), uranium mining and yellow-cake processing plants.

The mining would take place on 10,000 acres in the Dewey-Burdock Project area of Custer and Fall River counties in southwestern South Dakota. The ISL process would entail building 40,000 wells to inject solutions, dissolve uranium in the Inyan Kara Aquifer, pump them to the surface, process them into yellow cake for storage and shipment, purify the water, spread most of it on the surface or return it underground, and dispose of toxic wastes off-site.

Powertech has offered from 84 to 99 construction jobs for the project's first year, with employment tapering off afterward in the 20-year aquifer-mining endeavor.

The company is asking the state for a permit for the rights to 8,500 gallons per minute of the Inyan Kara Aquifer, where the uranium ore is located, and another permit for 551 gallons per minute from the Madison Aquifer. It is also asking for an underground water discharge permit.

During the first round of state hearings, Mining and Environment Board Chair Rex Hagg acted on a Rapid City government appeal and agreed to admit the city council's resolution opposing the mining. The council resolution claims the project threatens the municipal water supply, which mainly comes from the Madison Aquifer.

Hagg, in admitting the resolution, also stipulated that any related resolutions from other governmental bodies would be accepted for consideration. That included one presented during the hearings by Argentine Township Chair John Putnam, a fourth-generation Dewey-Burdock rancher whose home is the only one occupied within the project boundary.

"I support the mining project wholeheartedly," Putnam stated, adding, "Our opinion counts because we are living in the area and drinking the water." All the other residents in the immediate area of the mining who commented were in favor of the project. Among supporters sporting green t-shirts bearing the slogan "I love U3O8" and "We Are Here For U3O8" was former Edgemont Mayor Carl Shaw.

Prospects for the community "will be significantly enhanced," he said, citing expectations for more than 80 jobs and \$5 million in revenues for each of Custer and Fall River counties.

Intervener Cheryl Rowe, a Rapid City resident, retorted, "If they choose to live in a Superfund site, that's their choice." Referring to the unreclaimed sites left in the Dewey-Burdock area from past open-pit and underground uranium mining, she added, "Smart people want to live where there is no uranium mining. Black Hills economic development depends on denial of this permit."

Tom Cook, who lives between the proposed Powertech operation and the nearby Crow Butte ISL uranium mine and processing plants in Nebraska, used the public comment period to speak out against the project.

Citing spills at the Crow Butte site and contamination of his water well, he said, "A failure in one pipe coupling can add up to catastrophe for many people for many generations. Instead of participating in a war against the future, I urge you to vote this project down," he admonished board members. "I wish you and your grandchildren a cancer-free environment at this place, South Dakota," he concluded.

Three Rosebud Sioux Tribal Land Office administrators attended the public comment period to object to the permit.

"I had an elder and he said, 'this is not an Indian issue: We all drink the same water. We all share the same land.' We're all concerned about the impacts this is going to have," commented Paula Antoine, coordinator of the Sicangu Oyate Land Office. "We implore you and ask you deny this permit on behalf of the children of South Dakota."

Don Cuny from Manderson on the Pine Ridge Reservation also commented on the water issue, noting that the Black Hills remains federally adjudicated to the Seven Council Fires of the Great Sioux Nation under the 1868 Treaty of Ft. Laramie.

"When the water is gone, that is the end of the world," he said. "The Black Hills are not for sale. If you do approve this, we'll be there to stop it."

Marvin High Hawk, also from Pine Ridge Reservation, scolded the participants in the proceedings: "I know you people want to get things going jobwise. Those that are for it want the money; they don't care because they can move. Those that don't have the money can't move and don't want this.

"Uranium is dangerous to society and to people," he continued. "I myself don't like to drink water from the store. I want to drink water from Grandmother Earth," he said. "I hope you all make the right decision to stop this uranium so a lot of people will have a happy, enjoyable life instead of worrying about what's going to happen to them if this continues on."

Cheyenne River Indian Reservation native Chazz Jewitt commented on the state restrictions for eating fish from the Moreau River that flows through the reservation from the North Cave Hills uranium mining reclamation site in Harding County.

"DENR recommended years ago that pregnant women and children can't eat the fish: It's your responsibility to make sure we can eat the fish," she told the board. "We have a lot of Superfund sites. It seems like you guys never denied a permit, but it's a new century. We can't continue to do things this way."

The U.S. Forest Service released a bulletin Sept. 24 stating that the Custer National Forest had closed a portion of because of excessive rainfall that occurred two weeks earlier in the reclamation area.

"The public safety closure begins at the junction of Riley Pass Road and Sediment Pond 4," the bulletin said. "In addition to the road slump, the hillside below the road is saturated and unstable creating additional concerns for public safety."

Mary Goulet noted that Hot Springs area concerned citizens, herself included, collected about 1,000 petition signatures opposing the mining. Two other opposition petitions have circulated, one from health care providers and another asking the state Tourism Department to object to the project. Meanwhile, teachers in Fall River have signed a petition in favor, which was cited by one hearing goer.

Rapid City physician Steve Massopust commented on the "irrefutable evidence that uranium exposure increases the risk of cancer. He noted that a Colorado medical society passed a resolution against Powertech's previous ISL project, which "led to stiffer regulation that thwarted Powertech's proposal there."

The company is now selling its properties in Colorado to help finance its South Dakota permit applications, according to company documents.

The Powertech proposal prompted the South Dakota State Medical Association to announce opposition to all uranium mining in the Black Hills.

Rapid City physician Ken Vogeles braved wind and rain to join protesters rallying at Sept. 23 hearings, holding a chocolate cake he had made as a gimmick to suggest alternatives to yellow-cake processing.

"The forces of the earth are here to remind us that we can have wind power and not uranium power," hearing-goer Grete Bodogaard of Volin told the Native Sun News.

Dewey-Burdock Project Manager Mark Hollenbeck and other company representatives took the stand to defend the application.

A former state lawmaker and then Powertech legislative liaison, Hollenbeck testified under oath that he divested of company stock "three or four years ago", did not encourage South Dakotans to purchase shares, and only knows of one person in South Dakota with shares. He said that investor is not a government representative.

Lessors of mineral rights for the project will receive 5-percent royalties and thereby have a "financial" interest in seeing the project go forward, he noted.

However, the company has no contracts to sell uranium, and potential applications for recovery of vanadium for steel alloy would proceed "as we get into the operation," he said.

Attorneys for the Clean Water Alliance and the Wild Horse Sanctuary, located near the proposed mine and milling site, said they considered the application incomplete, given vagueness of vanadium proposals, indecision over wastewater disposal methods, and other details.

The attorneys, Bruce Ellison and Mike Hickey, were set to offer additional arguments when the Mining and Environment Board reconvenes hearings at the Ramkota and Hilton Garden Inn during the week of Nov. 11-15.

Hollenbeck testified that his certified organic livestock operation Sunrise Ranch Meats is located adjacent to the project area -- at the confluence of Beaver Creek, Pass Creek and the Cheyenne River.

He told the Native Sun News that he believes the operation is compatible with uranium mining and that it is incumbent upon local people to take on the burden of uranium mining for the good of society.

Outlets for his products include Main Street Market and Wild Strawberry in Rapid City, as well as a store in Newcastle, Wyoming.

"You know, I can define my environment as this ranch and be extremely myopic in my views and protect my ranch. But as you start moving out and you decide the environment is the earth then when we need energy, what's the most responsible method of getting the energy?" he challenged.

"Now it's real convenient for Americans to allow Third World countries to do all of their mining for us. Then it's outta mind. We don't have to look at it. We don't have to be concerned that they're using slave labor, they're killing people, they're doing anything in their mines, because we don't have to see it and it's not bothering our environment," he said.

What's more, Hollenbeck argued, "I don't care if you want windmills or solar panels or what you want, there has to be mining to get those supplies, and nuclear power is the largest non-carbon

source of electricity in the world, and nothing is even remotely close to catching it."

He says he walks the talk in upholding the project. "I want you to find a person who has more to lose than I do," he told the Native Sun News.

Lifelong Edgemont rancher Susan Henderson thinks she might be the one. She intervened in both the state mining permit and the water permit hearings.

At the first set of hearings, she described the 60 stock dams and dugouts on the ranch that has been in her family for 111 years, saying all of them are dry due to drought conditions, forcing her to depend on well water from the Inyan Kara.

"A great many other cattle ranchers are also using underground water, some from the Madison; others buy from Hot Springs. I'm also buying Provo township water," she told the mining board.

"These cattle ranches are part of the two businesses that run South Dakota," she noted. "If you take out rail and power utilities, ranching accounts for over 50 percent of the tax revenues of these counties.

"A great deal of surface water provided by Cheyenne River goes through Dewey-Burdock via Beaver Creek and on to Angostura Reservoir, [providing] huge amounts of irrigation for the farmers of corn, alfalfa, and hay in this part of our county," she added.

Then she turned the discussion to Powertech's financial position. "They don't have the money to do this project, so they're going to sell, and the question is: To whom? This company has said what it's going to do; and when it is sold, its statements are moot," she said.

In that regard, Hollenbeck told the Native Sun News, "I have no idea whether Powertech will be the whole owner, part owner, or how it will come out." The arguments remained to be explored in the upcoming state and federal permit hearings.

One thing that adversary neighbors Henderson and Hollenbeck could agree on is that economics would determine the outcome of the effort, even if all permits are granted.

Considering the market turndown in the wake of the Fukushima tsunami and nuclear plant meltdowns, Hollenbeck conjectured: "I think the economics are still there but they certainly aren't what they were two or three years ago.

"If the economics are there, the project's not going anyway," he said. On the other hand, "investors just don't line up to intentionally lose money," he noted.

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